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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,040	02/25/2004	Catharine W. Trauernicht	MR2699-9	8558
4586	7590	10/08/2004	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLIOTT CITY, MD 21043			SHAW, ELIZABETH ANNE	
			ART UNIT	PAPER NUMBER
			3644	

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/785,040	TRAUERNICHT ET AL. <i>[Signature]</i>	
	<b>Examiner</b>	<b>Art Unit</b>	
	Elizabeth A. Shaw	3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 25 February 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,6-9,11,13 and 14 is/are rejected.
- 7) Claim(s) 2-5,10 and 12 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2/25/04</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 8 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Sherrer et al (6,722,721). Sherrer et al show a portable folded arched metal ramp assembly comprising a plurality of adjacently positioned step links 25 each of the step links 25 having a pair of compression members 22 formed on opposing transverse ends of the step links 25 and a plurality of hinge pins 26, see fig. 2 passing transversely through the plurality of step links 25. The compression members 22 abutting the compression members 22 of an adjacent step link 25 when rotated to a predetermined angle. A mounting means 21 is connected to the end of the ramp to be reversibly secured to a platform.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sherrer et al in view of Thompson (PTO-1449-A 6,463,613). Sherrer et al does not teach the use of bumpers. Thompson shows a portable foldable ramp having step links 16 having a first bumper member 26 fixedly attached to the first end of the assembly and a second bumper member 28 fixedly attached to the second end of the assembly. The step links 16 comprising in number at least 12. With respect to claim 6, to use the bumpers of Thompson with the ramp of Sherrer et al would have been obvious to one skilled in the art in order to protect the surfaces of the upper level from the ramp rubbing on it and the lower end of the ramp from rubbing against the lower surface thus shorten the use time before repairs or replacement is needed.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sherrer et al in view of Myrick (PTO-1449-H 6,119,634). Sherrer et al does not teach the use of long hinge pins with end caps. Myrick shows a portable foldable ramp having step links 12, 14 and hinge pin 28 equal in length to the width of the step links 12, 14 and a pair of end caps 30 to be seated on the hinge pin 28. With respect to claim 7, to use the hinge pin of Myrick with the ramp of Sherrer et al would have been obvious to one skilled in the art as a replacement of functional equivalents.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sherrer et al in view of McLeod (PTO-1449-L 5,282,692). Sherrer et al does not teach means for reversibly joining a first ramp to a second. McLeod shows a ramp 11 having a rope hinge 14 which is capable of joining a first ramp 11 to a second ramp 11. With respect to claim 13, to use a joining hinge such as shown by McLeod with the ramp of Sherrer

et al would have been obvious to one skilled in the art in order to allow the ramp to be used for higher or longer distances.

***Allowable Subject Matter***

Claims 2-5, 10 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Included for further reference on folding ramps are: Henry (6,747,212) and Schmaltz et al (2003/0182740).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Shaw whose telephone number is 703-308-1853. The examiner can normally be reached on M-Th 9:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 703-305-7421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Art Unit: 3644

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Elizabeth Shaw*  
Elizabeth A. Shaw  
Examiner  
Art Unit 3644

September 30, 2004

*Teri P. Luu*  
**TERI P. LUU**  
**SUPERVISORY PRIMARY EXAMINER**